

(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/051470

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-5, 7-24 as originally filed/furnished
- pages* 6, 6A received by this Authority on 25.11.2005 with letter of 23.11.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 2-25 received by this Authority on 08.01.2005 with letter of 06.01.2005
- nos.* 1 received by this Authority on 25.11.2005 with letter of 23.11.2005
- ☒ the drawings:
- sheets 1, 2 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-25</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-25</u>	NO
	Industrial applicability (IA)	Claims <u>1-25</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	<p>The application concerns the field of automated credit risk minimization.</p> <p>The report is based on the currently valid application and the amended parts submitted with the letter of 23 November 2005, that is to say, amended claim 1 and pages 6 and 6a of the description.</p> <p>The examiner has no objection to the examination of claim 1 without the term "computer-assisted".</p> <p>Most of the features used in the claims (for example, credit risk indexing, business accounting data, expected values for crediting data, stock exchange data, companies, net assets, debt) concern a business activity and do not have to be examined per se under PCT Article 34(4)(a)(i) and PCT Rule 39.1(iii).</p>		
2.	<p>The present report refers to the following document:</p>		

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	<p data-bbox="418 357 1390 436">D1: US 2003/018550 A1 (ROTMAN FRANK LEWIS ET AL) 23 January 2003 (2003-01-23).</p> <p data-bbox="418 504 1370 533">(the references between parentheses relate to D1).</p> <p data-bbox="302 600 779 630">3. INDEPENDENT CLAIM 1</p> <p data-bbox="302 697 1354 877">3.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not inventive within the meaning of PCT Article 33(3).</p> <p data-bbox="418 945 1237 974">The current valid claim 1 reads as follows:</p> <p data-bbox="418 1041 1377 1617">"Computer-assisted system for automated credit risk indexing, which has means (30) for detecting and evaluating company accounting data and/or stock exchange data, as well as a storage module (31) in which predefined stock exchange data (3111/3121) and/or company accounting data (3112/3122) can be stored in such a way that they are assigned to the individual companies concerned (601/602/603) and by means of which at least expected values for crediting data of individual companies (601, ..., 603) can be determined, characterized in that,</p> <ul data-bbox="418 1638 1338 1919" style="list-style-type: none">- the system has a filter module (34) for the automated company-specific recording of stock-exchange data (3111/3121) of different financial centres (50/51/52),- the system has a filter module (35) for the automated company-specific recording of company

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	<p>accounting data (3112/3122) by at least one corresponding storage module (61),</p> <ul style="list-style-type: none">- at least one of the filter modules (34/35) comprises a definable interval which determines an expected period of time between the expected values to be calculated and the company accounting data (3112/3122) and/or stock exchange data (3111/3121) of the individual companies concerned (601/602/603), and- the system for the automated determination of the crediting data and/or the expected values for the crediting data based on the stock-exchange data (3111/3121) and/or the company accounting data (3112/3122) of a particular company (601, ..., 503) comprises at least one neural network module (33). <p>Consequently, the current valid claim 1 describes the intended use of a generally known computer system for the storage, processing and output of business data, as disclosed in, for example, document D1.</p> <p>Although the subject matter of claim 1 is novel over the teaching of document D1, since none of the combinations of features described therein is "photographically" identical to the subject matter of the valid claim 1, claim 1 cannot be considered to involve an inventive step within the meaning of PCT Article 33(3) because the difference is restricted to the use of mathematical algorithms (for example a calibration algorithm), which can</p>

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	<p>make no contribution whatsoever to a technical invention.</p> <p>Neither the filter modules 34 and 35 nor the neural network used, which are all described in commercial or functional terms, can be awarded the status of a technical invention. After all, these are software modules designed to receive <u>commercial data</u>, to process them in a mathematical model (neural network) and to output the <u>commercial results</u> and put them to further use. At no point does the application mention a technical problem of the kind necessary for an inventive step in the technical sense. The problem to be solved by a person skilled in the art as defined by the PCT would appear to be limited to the selection and size of the standard hardware and software tools, which are of the kind used with, for example, the subject matter of document D1.</p> <p>3 INDEPENDENT CLAIM 12</p> <p>The valid claim 12 concerns a computer-assisted method of the kind carried out using the system according to claim 12. It is supported by the same features as claim 1 and must therefore be treated analogously as regards novelty. Consequently, the subject matter of claim 12 is not inventive (PCT Article 33(3)) relative to the prior art document D1.</p>

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4	<p>INDEPENDENT CLAIM 23</p> <p>The computer program product according to claim 23 is likewise not inventive relative to the prior art document D1 (PCT Article 33(3)), for the reasons given for claim 1 above.</p>
5	<p>DEPENDENT CLAIMS 2-11, 14-22, 24 AND 25</p> <p>Claims 2-11, 14-22, 24 and 25 contain only additional technical features which, combined with the features of any claim to which they refer, are known from document D1 or obvious to a person skilled in the art.</p> <p>This is true in particular for the features concerning the embedding into a communications network, for example, the Internet (see D1, figure 1a and paragraph 0049).</p> <p>Claims 2-11, 14-22, 24 and 25 therefore do not satisfy the PCT requirements for inventive step (PCT Article 33(2) and (3)).</p>
6.	<p>On page 4, paragraph 1, last sentence, of the written reply, the applicant refers to an alleged economic and business success of the trigger system in question, which, had the invention indeed been trivial, would have been obvious even to person working in the field of patents and patenting.</p>

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However, this objection cannot substantiate the technical inventive value of the subject matter of the application, since it is not sufficiently disclosed in the application or the letter of reply.